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Attorneys for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KEITH ARNOLD,)	
)	Case No.: 2:07-cv-00249-LDG-PAL
Plaintiff,)	
)	
vs.)	<u>ANSWER</u>
)	
AMERICAN CASINO AND)	
ENTERTAINMENT, d/b/a/ ARIZONA)	
CHARLIE'S BOULDER, a Nevada)	
Corporation,)	
)	
Defendant.)	

Defendant, Fresca, LLC d/b/a Arizona Charlie's Boulder,¹ by and through its counsel, Fisher & Phillips LLP, hereby, for its Answer to Plaintiff Keith Arnold's ("Plaintiff") Complaint, alleges as follows:

I. JURISDICTION

Defendant denies the allegations contained in the unnumbered paragraph of Section I of Plaintiff's Complaint.

¹ Incorrectly named in the Complaint as American Casino and Entertainment, d/b/a/ Arizona Charlie's Boulder, a Nevada Corporation.

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II. PARTIES & VENUE

1. Defendant lacks sufficient information or knowledge to admit or deny the allegations contained in paragraph 1 of Section II of Plaintiff's Complaint and therefore denies each and every allegation contained therein..

2. Defendant admits Fresca LLC dba Arizona Charlie's Boulder's principal place of business is in the State of Nevada. Defendant denies each and every other allegation contained in paragraph 2 of Section II of Plaintiff's Complaint.

3. Defendant admits that venue is proper in this Court. Defendant denies that American Casino and Entertainment was Plaintiff's employer.

III. RIGHT TO SUE

Defendant lacks sufficient information or knowledge to admit or deny the allegations contained in the unnumbered paragraph of Section III of Plaintiff's Complaint and therefore denies each and every allegation contained therein..

IV. FIRST CAUSE OF ACTION:

RACIAL DISCRIMINATION AND HARASSMENT

1. Defendant denies each and every allegation contained in paragraph 1 of the First Cause of Action of Plaintiff's Complaint.

2. Defendant denies each and every allegation contained in paragraph 2 of the First Cause of Action of Plaintiff's Complaint.

3. Defendant denies each and every allegation contained in paragraph 3 of the First Cause of Action of Plaintiff's Complaint.

4. Defendant admits that Plaintiff was terminated after a verbal altercation with Mr. Benavente. Defendant lacks sufficient information or knowledge to admit or deny the other allegations contained in paragraph 4 of the First Cause of Action of

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1 Plaintiff's Complaint and therefore denies each and every other allegation contained
2 therein.

3 5. Defendant admits that Jennifer Roberts directed both Plaintiff and Mr.
4 Benavente to go home for the day. Defendant further admits that Plaintiff went home
5 for the day. Defendant denies each and every other allegation contained in paragraph
6 5 of the First Cause of Action of Plaintiff's Complaint.

7 6. Defendant denies each and every allegation contained in paragraph 6 of
8 the First Cause of Action of Plaintiff's Complaint.
9

10 **V. SECOND CAUSE OF ACTION:**

11 **TORT DAMAGES: ANGUISH AND STRESS**

12 1. Defendant denies each and every allegation contained in paragraph 1 of
13 the Second Cause of Action of Plaintiff's Complaint.
14

15 2. Defendant lacks sufficient information or knowledge to admit or deny
16 the allegations contained in paragraph 2 of the Second Cause of Action of Plaintiff's
17 Complaint and therefore denies each and every allegation contained therein.

18 3. Defendant denies each and every allegation contained in paragraph 3 of
19 the Second Cause of Action of Plaintiff's Complaint.
20

21 **VI. THIRD CAUSE OF ACTION:**

22 **PUNITIVE DAMAGES: FLAGRANT DISREGARD TO**
23 **PROTECTED RIGHTS**

24 1. The Third Cause of Action does not contain factual allegations and
25 therefore does not require an answer. To the extent any of the allegations assert facts,
26 defendant denies each and every allegation contained in paragraph 1 of the Third
27 Cause of Action of Plaintiff's Complaint.
28

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2. The Third Cause of Action does not contain factual allegations and therefore does not require an answer. To the extent any of the allegations assert facts, defendant denies each and every allegation contained in paragraph 2 the of Third Cause of Action of Plaintiff's Complaint.

3. The Third Cause of Action does not contain factual allegations and therefore does not require an answer. To the extent any of the allegations assert facts, defendant denies each and every allegation contained in paragraph 3 of the Third Cause of Action of Plaintiff's Complaint.

RESPONSE TO "SUPPORTING FACTS" EXHIBIT

Defendant objects to the characterizations used in the headings of the "Supporting Facts" Exhibit. To the extent any of those headings are deemed allegations of fact, each and every such allegation is denied by Defendant.

Evidence of Intent

Defendant lacks sufficient information or knowledge to admit or deny the allegations contained in the unnumbered paragraph of the Evidence of Intent section of Plaintiff's Supporting Facts exhibit and therefore denies each and every allegation contained therein.

Participants in Unlawful Harassment

Defendant denies each and every allegation contained in the unnumbered paragraph of the Participants in Unlawful Harassment section of Plaintiff's Supporting Facts exhibit and therefore denies each and every allegation contained therein.

1. Defendant states that the Employee Handbook speaks for itself. Defendant lacks sufficient information or knowledge to admit or deny the allegations contained in paragraph 1 of the Participants in Unlawful Harassment section of

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1 Plaintiff's Supporting Facts exhibit and therefore denies each and every allegation
2 contained therein. No Exhibit 2 was attached to Plaintiff's Complaint.

3 **Race Inquiry**

4 1. Defendant lacks sufficient information or knowledge to admit or deny
5 the allegations contained in paragraph 1 of the Race Inquiry section of Plaintiff's
6 Supporting Facts exhibit and therefore denies each and every allegation contained
7 therein.
8

9 2. Plaintiff includes no paragraph 2.

10 3. Defendant admits that race should not be used as a factor in hiring,
11 terminating, promoting, compensating, job training or the setting of other terms and
12 conditions of employment. Defendant specifically denies that any inquiry based on
13 race was made by Defendant's management. Defendant denies each and every other
14 allegation contained in paragraph 3 of the Race Inquiry section of Plaintiff's
15 Supporting Facts exhibit. No Exhibit 2 was attached to Plaintiff's Complaint.
16

17 4. Defendant lacks sufficient information or knowledge to admit or deny
18 the allegations contained in paragraph 4 of the Race Inquiry section of Plaintiff's
19 Supporting Facts exhibit and therefore denies each and every allegation contained
20 therein.
21

22 5. Defendant states that the Employee Handbook speaks for itself.
23 Defendant lacks sufficient information or knowledge to admit or deny the allegations
24 contained in paragraph 5 of the Race Inquiry section of Plaintiff's Supporting Facts
25 exhibit and therefore denies each and every allegation contained therein. No Exhibit 3
26 was attached to Plaintiff's Complaint.
27
28

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1 6. Defendant denies each and every allegation contained in paragraph 6 of
2 the Race Inquiry section of Plaintiff's Supporting Facts exhibit.

3 **Safety Violation Challenge**

4 1. Defendant lacks sufficient information or knowledge to admit or deny
5 the allegations contained in paragraph 1 of the Safety Violation Challenge section of
6 Plaintiff's Supporting Facts exhibit and therefore denies each and every allegation
7 contained therein.

8 2. Plaintiff includes no paragraph 2.

9 3. Defendant lacks sufficient information or knowledge to admit or deny
10 the allegations contained in paragraph 3 of the Safety Violation Challenge section of
11 Plaintiff's Supporting Facts exhibit and therefore denies each and every allegation
12 contained therein.

13 4. Defendant lacks sufficient information or knowledge to admit or deny
14 the allegations contained in paragraph 4 of the Safety Violation Challenge section of
15 Plaintiff's Supporting Facts exhibit and therefore denies each and every allegation
16 contained therein.

17 5. Defendant lacks sufficient information or knowledge to admit or deny
18 the allegations contained in paragraph 5 of the Safety Violation Challenge section of
19 Plaintiff's Supporting Facts exhibit and therefore denies each and every allegation
20 contained therein.

21 6. Defendant denies that an employee named Gonzalez was employed in
22 the Receiving Department during the time that Plaintiff was employed in the
23 Receiving Department. Defendant states that the Employee Handbook speaks for
24 itself. Defendant lacks sufficient information or knowledge to admit or deny the other
25
26
27
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1 allegations contained in paragraph 6 of the Safety Violation Challenge section of
2 Plaintiff's Supporting Facts exhibit and therefore denies each and every other
3 allegation contained therein.

4
5 7. Defendant lacks sufficient information or knowledge to admit or deny
6 the allegations contained in paragraph 7 of the Safety Violation Challenge section of
7 Plaintiff's Supporting Facts exhibit and therefore denies each and every allegation
8 contained therein. No photographs were attached to Plaintiff's Complaint.

9
10 8. Defendant lacks sufficient information or knowledge to admit or deny
11 the allegations contained in paragraph 8 of the Safety Violation Challenge section of
12 Plaintiff's Supporting Facts exhibit and therefore denies each and every allegation
13 contained therein.

14 **First Intimidation Attempt**

15 1. Defendant lacks sufficient information or knowledge to admit or deny
16 the allegations contained in paragraph 1 of the First Intimidation Attempt section of
17 Plaintiff's Supporting Facts exhibit and therefore denies each and every allegation
18 contained therein.

19
20 2. Defendant admits that Mr. Otts told Defendant's human resources
21 representative that he had allegedly received threatening phone calls from Mr.
22 Jiminez, however, Defendant could not substantiate Mr. Otts' claims. Defendant
23 denies each and every other allegation contained in paragraph 2 of the First
24 Intimidation Attempt section of Plaintiff's Supporting Facts exhibit.

25 3. Defendant denies each and every allegation contained in paragraph 3 of
26 the First Intimidation Attempt section of Plaintiff's Supporting Facts exhibit.
27
28

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Issue: Gunfight Challenge (2nd Intimidation Attempt)

1. Defendant states that the Employee Handbook speaks for itself. Defendant lacks sufficient information or knowledge to admit or deny the other allegations contained in paragraph 1 of the Issue: Gunfight Challenge (Second Intimidation Attempt) section of Plaintiff's Supporting Facts exhibit and therefore denies each and every other allegation contained therein. No Exhibit 2 was attached to Plaintiff's Complaint.

Violation of Company Commitment

1. Defendant admits that Mr. Jimenez had counseled Plaintiff for working too slowly. Defendant lacks sufficient information or knowledge to admit or deny the other allegations contained in paragraph 1 of the Violation of Company Commitment section of Plaintiff's Supporting Facts exhibit and therefore denies each and every other allegation contained therein.

2. Defendant states that the Employee Handbook speaks for itself. Defendant admits Plaintiff reported to Jennifer Roberts that Mr. Jimenez had counseled Plaintiff for working too slowly. Defendant lacks sufficient information or knowledge to admit or deny the other allegations contained in paragraph 2 of the Violation of Company Commitment section of Plaintiff's Supporting Facts exhibit and therefore denies each and every other allegation contained therein.

Witness to Hostile Work Environment

1. Defendant admits Mr. Pipes transferred from the Receiving Department to the Security Department. Defendant lacks sufficient information or knowledge to admit or deny the other allegations contained in paragraph 1 of the Witness to Hostile Work Environment section of Plaintiff's Supporting Facts exhibit and therefore denies

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1 each and every other allegation contained therein. No Exhibit 5 was attached to
2 Plaintiff's Complaint.

3 2. Defendant lacks sufficient information or knowledge to admit or deny
4 the allegations contained in paragraph 2 of the Witness to Hostile Work Environment
5 section of Plaintiff's Supporting Facts exhibit and therefore denies each and every
6 allegation contained therein.

7
8 3. Defendant lacks sufficient information or knowledge to admit or deny
9 the allegations contained in paragraph 3 of the Witness to Hostile Work Environment
10 section of Plaintiff's Supporting Facts exhibit and therefore denies each and every
11 allegation contained therein.

12 4. Defendant lacks sufficient information or knowledge to admit or deny
13 the allegations contained in paragraph 4 of the Witness to Hostile Work Environment
14 section of Plaintiff's Supporting Facts exhibit and therefore denies each and every
15 allegation contained therein.

16
17 5. Defendant lacks sufficient information or knowledge to admit or deny
18 the allegations contained in paragraph 5 of the Witness to Hostile Work Environment
19 section of Plaintiff's Supporting Facts exhibit and therefore denies each and every
20 allegation contained therein.

21
22 6. Defendant admits that Mr. Pipes was given an Exemplary Team Player
23 Award, Exemplary Community Service Award, and named the "Best of the Best" by
24 Arizona Charlie's Boulder. Defendant lacks sufficient information or knowledge to
25 admit or deny the other allegations contained in paragraph 6 of the Witness to Hostile
26 Work Environment section of Plaintiff's Supporting Facts exhibit and therefore denies
27
28

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1 each and every other allegation contained therein. No Exhibit 6 was attached to
2 Plaintiff's Complaint.

3 **Meeting with Manager Dwayne Hutchison**

4 1. Defendant admits Plaintiff met with Ms. Roberts and may have met
5 with Mr. Jimenez and Mr. Hutchison to discuss Mr. Jimenez's management style.
6 Defendant denies each and every other allegation contained in paragraph 1 of the
7 Witness to Hostile Work Environment section of Plaintiff's Supporting Facts exhibit.
8

9 2. Defendant admits that Mr. Hutchison told Plaintiff that the company
10 would try to work with him. Defendant lacks sufficient information or knowledge to
11 admit or deny the other allegations contained in paragraph 2 of the Witness to Hostile
12 Work Environment section of Plaintiff's Supporting Facts exhibit and therefore denies
13 each and every other allegation contained therein.
14

15 **Retaliation, Insubordination and Continued Harassment**

16 1. Defendant admits that in his second meeting with Ms. Roberts Plaintiff
17 reported a remark made to him by a co-worker. Defendant lacks sufficient
18 information or knowledge to admit or deny the other allegations contained in
19 paragraph 1 of the Retaliation, Insubordination and Continued Harassment section of
20 Plaintiff's Supporting Facts exhibit and therefore denies each and every other
21 allegation contained therein.
22

23 2. Defendant lacks sufficient information or knowledge to admit or deny
24 the allegations contained in paragraph 2 of the Retaliation, Insubordination and
25 Continued Harassment section of Plaintiff's Supporting Facts exhibit and therefore
26 denies each and every allegation contained therein.
27
28

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Events that Lead Up To Termination

Defendant lacks sufficient information or knowledge to admit or deny the allegations contained in the unnumbered paragraph of the Events that Lead Up To Termination section of Plaintiff's Supporting Facts exhibit and therefore denies each and every allegation contained therein.

Altercation with Robert Benavente

1. Defendant lacks sufficient information or knowledge to admit or deny the allegations contained in paragraph 1 of the Altercation with Robert Benavente section of Plaintiff's Supporting Facts exhibit and therefore denies each and every allegation contained therein.

2. Defendant denies each and every allegation contained paragraph 2 of the Altercation with Robert Benavente section of Plaintiff's Supporting Facts exhibit.

3. Defendant lacks sufficient information or knowledge to admit or deny the allegations contained in paragraph 3 of the Altercation with Robert Benavente section of Plaintiff's Supporting Facts exhibit and therefore denies each and every allegation contained therein. No photographs were attached to Plaintiff's Complaint.

4. Defendant lacks sufficient information or knowledge to admit or deny the allegations contained in paragraph 4 of the Altercation with Robert Benavente section of Plaintiff's Supporting Facts exhibit and therefore denies each and every allegation contained therein.

5. Defendant lacks sufficient information or knowledge to admit or deny the allegations contained in paragraph 5 of the Altercation with Robert Benavente section of Plaintiff's Supporting Facts exhibit and therefore denies each and every allegation contained therein.

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6. Defendant denies each and every allegation contained in paragraph 6 of the Altercation with Robert Benavente section of Plaintiff's Supporting Facts exhibit and therefore denies each and every allegation contained therein.

7. Defendant admits Mr. Benavente said, "what did you say to me?". Defendant denies each and every other allegation contained in paragraph 7 of the Altercation with Robert Benavente section of Plaintiff's Supporting Facts exhibit.

8. Defendant admits Plaintiff got up from his chair and showed another employee aggressive, hostile behavior. Defendant denies each and every other allegation contained in paragraph 8 of the Altercation with Robert Benavente section of Plaintiff's Supporting Facts exhibit.

9. Defendant admits Plaintiff reported to Mr. Jimenez that he had almost "fired someone up" and almost "went off on" Robert Benavente. Defendant denies each and every other allegation contained in paragraph 9 of the Altercation with Robert Benavente section of Plaintiff's Supporting Facts exhibit.

10. Defendant states that the Employee Handbook speaks for itself. Defendant admits Plaintiff behaved in a confrontational manner towards Mr. Benavente. Defendant denies each and every other allegation contained in the first paragraph 10 of the Altercation with Robert Benavente section of Plaintiff's Supporting Facts exhibit.

10 [second]. Defendant denies each and every allegation contained in the second paragraph 10 of the Altercation with Robert Benavente section of Plaintiff's Supporting Facts exhibit.

Final Meeting with Jennifer Roberts & Allan Carter

1. Defendant admits Plaintiff met with Jennifer Roberts and Allan Carter

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1 and described his version of the incident with Mr. Benavente. Defendant denies each
2 and every other allegation contained in paragraph 1 of the Final Meeting with Jennifer
3 Roberts & Allan Carter section of Plaintiff's Supporting Facts exhibit.

4
5 2. Defendant denies each and every allegation contained in paragraph 2 of
6 the Final Meeting with Jennifer Roberts & Allan Carter section of Plaintiff's
7 Supporting Facts exhibit.

8 3. Defendant admits the allegations contained in paragraph 3 of the Final
9 Meeting with Jennifer Roberts & Allan Carter section of Plaintiff's Supporting Facts
10 exhibit.

11 **Discrimination**

12 1. Defendant lacks sufficient information or knowledge to admit or deny
13 the allegations contained in paragraph 1 of the Discrimination section of Plaintiff's
14 Supporting Facts exhibit and therefore denies each and every allegation contained
15 therein.

16
17 2. Defendant denies each and every allegation contained in paragraph 2 of
18 the Discrimination section of Plaintiff's Supporting Facts exhibit and therefore denies
19 each and every allegation contained therein.

20
21 3. Defendant denies each and every allegation contained in paragraph 3 of
22 the Discrimination section of Plaintiff's Supporting Facts exhibit and therefore denies
23 each and every allegation contained therein.

24 **Termination by Telephone**

25 1. Defendant admits Plaintiff received a telephone call from Jennifer
26 Roberts with Allan Carter present informing Plaintiff he was terminated. Defendant
27 denies each and every other allegation contained in paragraph 1 of the Termination by
28

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1 Telephone section of Plaintiff's Supporting Facts exhibit.

2 2. Defendant denies each and every allegation contained in paragraph 2 of
3 the Termination by Telephone section of Plaintiff's Supporting Facts exhibit. No
4 Exhibit 7 was attached to Plaintiff's Complaint.

5 **Post Termination (Meeting with Fred Houghland, Human Resource Manager)**

6 1. Defendant admits Plaintiff met with Fred Houghland on or about
7 October 31, 2005. Defendant denies each and every other allegation contained in
8 paragraph 1 of the Post Termination (Meeting with Fred Houghland, Human Resource
9 Manager) section of Plaintiff's Supporting Facts exhibit.

10 2. Defendant admits the allegations contained in paragraph 2 of the Post
11 Termination (Meeting with Fred Houghland, Human Resource Manager) section of
12 Plaintiff's Supporting Facts exhibit.

13 3. Defendant denies each and every allegation contained in paragraph 3 of
14 the Post Termination (Meeting with Fred Houghland, Human Resource Manager)
15 section of Plaintiff's Supporting Facts exhibit.

16 4. Defendant denies each and every allegation contained in paragraph 4 of
17 the Post Termination (Meeting with Fred Houghland, Human Resource Manager)
18 section of Plaintiff's Supporting Facts exhibit.

19 **REASONS FOR JUDGMENT OF DISCRIMINATION**
20 **AND HARASSMENT \$300,000**

21 1. Title VII of the Civil Rights Act of 1964 and the Nevada Fair
22 Employment Practices Statutes speak for themselves. Defendant denies each and every
23 other allegation contained in paragraph 1 of the Reasons for Judgment of
24 Discrimination and Harassment \$300,000 section of Plaintiff's Supporting Facts
25 exhibit.

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2. Title VII of the Civil Rights Act of 1964 and the Nevada Fair Employment Practices Statutes speak for themselves. Defendant denies each and every other allegation contained in paragraph 2 of the Reasons for Judgment of Discrimination and Harassment \$300,000 section of Plaintiff's Supporting Facts exhibit.

REASONS FOR JUDGMENT OF TORT DAMAGES \$300,000

Defendant denies each and every allegation contained in the first and second unnumbered paragraphs of the Reasons for Judgment of Tort Damages \$300,000 section of Plaintiff's Supporting Facts exhibit.

1. Defendant denies each and every allegation contained in paragraph 1 of the Reasons for Judgment of Tort Damages \$300,000 section of Plaintiff's Supporting Facts exhibit.

2. Defendant denies each and every allegation contained in paragraph 2 of the Reasons for Judgment of Tort Damages \$300,000 section of Plaintiff's Supporting Facts exhibit.

3. Defendant lacks sufficient information or knowledge to admit or deny the allegations contained in paragraph 3 of the Reasons for Judgment of Tort Damages \$300,000 section of Plaintiff's Supporting Facts exhibit and therefore denies each and every allegation contained therein.

4. Defendant lacks sufficient information or knowledge to admit or deny the allegations contained in paragraph 4 of the Reasons for Judgment of Tort Damages \$300,000 section of Plaintiff's Supporting Facts exhibit and therefore denies each and every allegation contained therein.

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1 5. Defendant lacks sufficient information or knowledge to admit or deny
2 the allegations contained in paragraph 5 of the Reasons for Judgment of Tort Damages
3 \$300,000 section of Plaintiff's Supporting Facts exhibit and therefore denies each and
4 every allegation contained therein.

5 6. Defendant lacks sufficient information or knowledge to admit or deny
6 the allegations contained in paragraph 6 of the Reasons for Judgment of Tort Damages
7 \$300,000 section of Plaintiff's Supporting Facts exhibit and therefore denies each and
8 every allegation contained therein.

9 7. Defendant lacks sufficient information or knowledge to admit or deny
10 the allegations contained in paragraph 7 of the Reasons for Judgment of Tort Damages
11 \$300,000 section of Plaintiff's Supporting Facts exhibit and therefore denies each and
12 every allegation contained therein.

13 **REASONS FOR JUDGMENT OF PUNITIVE DAMAGES \$10,000,000**

14 1. Defendant denies each and every allegation contained in paragraph 1 of
15 the Reasons for Judgment of Punitive Damages \$10,000,000 section of Plaintiff's
16 Supporting Facts exhibit.

17 2. Defendant denies each and every allegation contained in paragraph 2 of
18 the Reasons for Judgment of Punitive Damages \$10,000,000 section of Plaintiff's
19 Supporting Facts exhibit.

20 **FIRST AFFIRMATIVE DEFENSE**

21 Plaintiff's claims are barred, in whole or in part, by the applicable statute of
22 limitations, filing deadlines, and charge deadlines, or are otherwise time-barred.

23 **SECOND AFFIRMATIVE DEFENSE**

24 Plaintiff's claims are barred, in whole or in part, by his failure to exhaust
25 his administrative remedies.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, by his failure to mitigate damages.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, to the extent they exceed the statutory damages caps for his claims.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, by the doctrine of unclean hands.

SIXTH AFFIRMATIVE DEFENSE

Liability for punitive damages is limited to the extent any award of such damages would violate the due process of causes of the United States or Nevada Constitutions and to the extent limited by statute.

SEVENTH AFFIRMATIVE DEFENSE

Defendant exercised reasonable care to prevent and promptly correct any alleged harassment, and Plaintiff unreasonably failed to take advantage of such preventative or corrective opportunities provided by Defendant or to avoid harm otherwise.

EIGHTH AFFIRMATIVE DEFENSE

To the extent any employees of Defendant engaged in unlawful actions (which is denied), Defendant would not be liable for punitive damages because such actions were contrary to its policies and good faith efforts to comply with state and federal law.

WHEREFORE, Defendant prays as follows:

1. That Plaintiff's Complaint be dismissed with prejudice;
2. That Defendant be awarded its reasonable attorney's fees and costs to defend this matter;

1 3. For any other relief the Court deems reasonable and proper.

2
3 DATED this 21st day of March, 2007.

4 Respectfully submitted,

5 FISHER & PHILLIPS LLP

6
7
8 _____
 /s/

9 MARK J. RICCIARDI, ESQ.

10 3993 Howard Hughes Parkway, Suite 650

11 Las Vegas, NV 89109

12 Attorney for Defendant

13 **CERTIFICATE OF MAILING**

14 This is to certify that on the 21st day of March, 2007, the undersigned, an
15 employee of FISHER & PHILLIPS LLP, placed a copy of the foregoing ANSWER in
16 the United States Mail, postage prepaid, and addressed as follows:

17 Keith Arnold

18 2120 Sun Avenue, #E

19 North Las Vegas, NV 89030

20 Plaintiff pro se

21 By: Ilene J. Hasforth

22 An employee of Fisher & Phillips LLP

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